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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

STB Docket No. EP 704

REVIEW OF COMMODITY, BOXCAR, AND TOFC/COFC EXEMPTIONS

**MOTION OF THE AMERICAN SHORT LINE AND REGIONAL
RAILROAD ASSOCIATION TO EXTEND PROCEDURAL SCHEDULE**

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November 4, 2010

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In its Notice of Public Hearing ("Notice") served on October 21, 2010 and its Corrected Notice served on October 25, 2010, the Surface Transportation Board ("Board") announced that it would hold a public hearing on December 9, 2010 to review certain categorical exemptions from regulation under 49 U.S.C. §10502, specifically the commodity exemptions under 49 C.F.R. §§ 1039.10 and 1039.11, the boxcar exemptions under 49 C.F.R. § 1039.14, and the TOFC/COFC exemptions under 49 C.F.R. pt. 1090. Written notice of intent to participate and written testimony of designated witnesses is due November 30, 2010.

The American Short Line and Regional Railroad Association ("ASLRRA"), which represents approximately 458 Class II and Class III railroads in the United States, Canada and Mexico as well as approximately 900 suppliers and contractors to the short line and regional railroad industry, wishes to participate in the announced hearing. However, for the reasons identified below, ASLRRA requests that the Board extend the procedural schedule in this docket by one-hundred twenty days.

The membership of ASLRRRA is both very large and extremely diverse. The exemptions to be examined at the hearing impact ASLRRRA members and their customers in correspondingly disparate ways. Gathering and analyzing information about how each of these complex exemptions affects so many dissimilar participants in the industry will take significantly more time than the current schedule allows. ASLRRRA has very limited research capabilities to undertake this task and will have to rely on a phalanx of volunteers from its membership in order to prepare testimony concerning the subject matter of this proceeding and the possible ramifications on Class II and Class III railroads and their customers.

The exemptions the Board has chosen to examine at the hearing are complex, and ASLRRRA believes that at least two of them, the commodity exemptions and the boxcar exemption, have had an especially important impact on the small railroad industry and its shippers. So important, in fact, that their examination deserves the time necessary for the smallest participants to prepare properly for what will be an historic hearing on their impact on rail transportation. ASLRRRA needs additional time to gather, organize, analyze and edit this complex topic into testimony. A number of small shippers and small shipper organizations have indicated they have the same need for additional time to prepare. Because of the occurrence of the year-end holidays following closely on the heels of the original hearing date, ASLRRRA requests a one-hundred twenty day extension of the date for submission of written testimony and designation of witnesses and a corresponding continuance of the hearing date itself.

Respectfully submitted,

American Short Line and Regional Railroad Association

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